

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER GRANTING DEFENDANT'S
)	MOTION FOR WAIVER OF INTEREST
vs.)	
)	
Sharon Sue Pfenning,)	
)	
Defendant.)	Case No. 1:05-cr-086

Before the Court is the Defendant's "Motion for Waiver of Interest" filed on August 7, 2006. Judgment of Conviction was entered on February 1, 2006. As part of the Judgment, the Court imposed a restitution obligation of \$190,984.84 plus interest. The Defendant requests relief from the imposition of interest on her restitution obligation. The Defendant argues that because of her age (fifty-four years old), the amount of the restitution, the substantial restitution paid prior to sentencing, and her remaining financial resources and earning potential, she does not have the ability to pay the interest on the restitution obligation. The Government acknowledges that the imposition of interest is a matter within the Court's discretion.

18 U.S.C. § 3612(f)(3) provides as follows:

If the court determines that the defendant does not have the ability to pay interest under this subsection, the court may –

- (A) waive the requirement for interest;
- (B) limit the total of interest payable to a specific dollar amount; or
- (C) limit the length of the period during which interest accrues.

18 U.S.C. § 3612(f)(3). After carefully reviewing the record, the Court finds that the Defendant does not have the ability to pay the interest on the restitution obligation. The Court **GRANTS** the Defendant's motion (Docket No. 20) and **ORDERS** the Judgment to be amended to waive the imposition of interest on the restitution obligation.

IT IS SO ORDERED.

Dated this 15th day of August, 2006.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court